

United States  
Department of  
Agriculture

Forest  
Service

Nez Perce NF

Rt. 2, Box 475  
Grangeville, ID 83530

Reply to: 1920  
FP Amendment #7

Date: January 2, 1990

Dear Forest Planning Participant:

During the Forest Plan appeal period, the Nez Perce Indian Tribe raised a number of issues and requested changes to the Nez Perce National Forest Plan. Through negotiations we have reached a settlement agreement that results in the enclosed Forest Plan amendment and the withdrawal of the Forest Plan appeal by the Nez Perce Tribe.

The settlement agreement clarifies Forest Plan language surrounding issues raised in the Tribe's appeal. We have taken the content of the settlement agreement and re-worked it into the enclosed Forest Plan appeal.

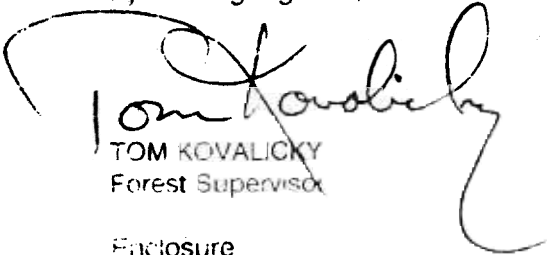
have decided to amend the Nez Perce Forest Plan by clarifying direction found in the following sections:

Chapter II (Forestwide Management Direction)  
Chapter V (Implementation)  
Chapter VI (Summary of the Analysis of the Management Situation)  
Appendix O (Forest Plan Monitoring)

These changes will not alter the multiple-use goals and objectives identified in the Forest Plan.

The Decision Memo and Forest Plan Amendment are enclosed. Please attach the amendment to your copy of the Nez Perce Forest Plan.

By working together, we can move forward keeping our Forest Plan current, useable, and responsive.

  
TOM KOVALICKY  
Forest Supervisor

Enclosure

**Decision Memo**  
**Forest Plan Amendment No. 7**  
**Nez Perce National Forest**  
**Idaho County, Idaho**

The purpose of Amendment No. 7 of the Nez Perce National Forest Plan is to clarify language found in the following sections:

Chapter II (Forestwide Management Direction)  
Chapter V (Implementation)  
Chapter VI (Summary of the Analysis of the Management Situation)  
Appendix O (Forest Plan Monitoring)

The specific items modified provide clarification that will not alter the multiple-use goals and objectives as identified in the Forest Plan.

The need for changes and clarification in management standards was the result of negotiations with the Nez Perce Indian Tribe's appeal of the Nez Perce National Forest Plan. An interdisciplinary team was used in developing the settlement agreement that addressed the appellant's concerns and develop a proposal for correcting the Forest Plan. This amendment focuses on the following appeal issues:

Monitoring of impacts to elk and other species  
Adequate mitigation for elk  
Impacts of livestock grazing on elk  
Cultural resource protection  
Tribal treaty grazing rights  
Impacts of budget fluctuations on Forest Plan implementation  
East Meadow Creek management  
Second Decade ASQ

Forest Service policy permits Forest Plan amendments resulting from changes necessitated by the resolution of administrative appeals (FSM 1922.51). I have determined the proposed changes are not significant since they are minor changes in standards and guidelines and will not alter the multiple-use goals and objectives for long-term land and resource management.

Adoption of this amendment will not significantly change the forestwide environmental impacts disclosed in the Nez Perce Forest Plan Environmental Impact Statement (EIS). This amendment is categorically excluded from further documentation in an EIS or EA (ID No. 16, FSM 1950 and ID No. 2, FSH 1909.15)

Additional information can be obtained from:

Joe Bednorz, Staff Officer  
Land Management Planning  
Nez Perce National Forest  
Route 2, Box 475  
Grangeville, Idaho 83530


(208) 983-1950

Implementation of this decision will begin immediately. This decision is subject to appeal pursuant to 36 CFR 217.8 and 36 CFR 217.9. Notice of appeal must be in writing and submitted within 45 days of this decision to:

John W. Mumma, Regional Forester  
USDA Forest Service  
P.O. Box 7669  
Missoula, Montana 59807

A copy of the notice of appeal must be sent to:

Tom Kovalicky, Forest Supervisor  
Nez Perce National Forest  
Rt. 2, Box 475  
Grangeville, Idaho 83530



TOM KOVALICKY  
Forest Supervisor

January 2, 1990  
Date

**Nez Perce National Forest  
Land and Resource Management Plan**

**Amendment No. 7  
January 1990**

**Forest Plan, Page II-20**

Range, Item 6, Change to read as follows:

Provide forage for elk needs in allotment management plans on all allotments that include elk winter range. The assumption is made that available forage is not a limiting factor on summer habitat.

**Forest Plan, Appendix O, Page O-2**

Items 1c and 10, Add after the third paragraph:

In the annual monitoring report, the Forest will display for each Timber Sale Decision Notice signed during the reporting fiscal year, the following information: the summer elk objectives; preharvest level of elk habitat effectiveness; and the level of elk habitat effectiveness under the preferred alternative.

The Forest Service shall develop in collaboration with the Tribe, a methodology for randomly selecting half of the Forest Service's land disturbing activities for evaluation of elk habitat effectiveness.

The Nez Perce National Forest will invite the Idaho Department of Fish and Game, University of Idaho, and the National Forest Research Station to participate, along with the Nez Perce Tribe, in developing a study plan to validate and, if needed, refine the Nez Perce elk effectiveness model. This study plan will review applicable, ongoing elk research in northern Idaho. Model changes and refinements will be incorporated into the Nez Perce Forest version of the elk effectiveness model, and the amended version of the model will be used in future forest planning. It is intended that this study will be completed before the next Forest Land and Resource Management Plan.

**Forest Plan, Appendix O, Page O-3**

Items 1d and 10, Add after the second paragraph:

In the annual monitoring report, a general description of how well the other wildlife habitat protection standards have been met will be included. Specific sales where the interdisciplinary process has failed to address or meet any of the other wildlife habitat protection standards in the integrated management planning process will be identified along with the failed standard.

Item 1e. Add the following:

Wildfire acreage will be applied to the estimated 5,000 acres per year of winter range burning when wildfires occur in areas which the Forest had active plans to burn or harvest timber for winter range improvement.

Should the Forest fall more than 8,000 acres behind on planned winter range burn acreage for any reason other than complying with Regional Forester cease burn orders for regionwide fire emergencies, the Forest will initiate Forest Plan amendment proceedings. The process will explore, evaluate and recommend alternate ways to achieve compensatory winter range forage improvement. If concerned parties agree that no achievable alternatives are satisfactory, they will review previous burn

accomplishment records and amend the Forest Plan objective of 5,000 acre proportionately downward.

#### Forest Plan, Page II - 17

Cultural Resources, Item 5, Replace with the following:

The Forest Service and the Tribe will undertake a process of consultation to protect cultural sites of prehistoric or present use. The Forest Service will notify the Tribe of all land disturbing activities. This notification will occur at a stage when the Forest Service's plans are sufficiently definite that the Tribe will be able to judge the possible location and extent of impacts to cultural sites. Notification will also include information of sufficient detail to allow the Tribe to determine if there may be potential adverse impacts to cultural sites. Notification will also be timed early enough in the decisionmaking process so that the Forest Service will be able to alter its plans based on the Tribe's comments and suggestions.

The Forest Service will take into consideration the Tribe's comments in designing and locating land disturbing activities. The Forest Service will not necessarily follow the Tribe's suggestions for protection of cultural sites in every case, but the consultation process will involve an accommodation between the interests of the Forest Service and the Tribe. In cases where the Forest Service is unable to adopt the Tribe's suggestions, the Forest Service will notify the Tribe of its reasons for failing to do so.

The Tribe may also propose that the Forest Service undertake certain rehabilitative measures for cultural sites of prehistoric or present use which are currently suffering degradation. The Forest Service will consider such suggestions in light of the treaty and appropriate laws.

#### Forest Plan, Page VI - 18

7. Range, Forest Plan Direction, Add the following paragraph:

The Forest Service acknowledges that the Nez Perce have a treaty grazing right on public lands throughout the Nez Perce National Forest based on treaties signed by the Nez Perce in 1855 and 1863. This right encompasses cattle and horses owned by tribal members or by the Nez Perce Indian Tribe. The Forest Service will negotiate the terms and conditions of any tribal grazing with the Tribe. The Bureau of Indian Affairs may also have a role in setting terms of tribal grazing.

#### Forest Plan, Page V - 9

E. Budget, Add the following after the first paragraph:

The plan states that certain mitigation measures and certain monitoring programs will be undertaken by the Forest Service. The environmental impact statement prepared for the Forest's ten year management plan was written based on the assumption that these measures and programs will occur, and the Forest outputs projected in the EIS are based on such assumptions. Changes to the budget in any given year, may require projects scheduled for that year to be rescheduled. If the budget is significantly different from the Plan over a period of several years that objectives and monitoring requirements cannot be met, the Plan itself may have to be amended. Such an amendment would meet NEPA requirements.

Roadless Areas, top of page, Replace first paragraph with the following:

The classification of 60,851 acres of tentatively suitable land in East Meadow Creek is deferred. This area is identified as an opportunity. Based on additional information, site specific evaluation, and changes in market conditions or technology, change in classification of this area may be initiated.

In the interim, this area will be managed to emphasize fish, wildlife, and dispersed recreation opportunities. However, there will be no investments that will remove options to manage for a full range of resource uses in the future. The East Meadow Creek Roadless Area is currently not in the suitable timber base. The Forest Plan calls for no capital improvements in this roadless area.

Monitoring and evaluation will precede any consideration or decision to proceed with the development of East Meadow Creek. Any decision concerning suitability or additional timber scheduling will require a Forest Plan amendment with full environmental analysis and public involvement.

### **Second Decade Allowable Sale Quantity (ASQ)**

While not a Forest Plan decision, the following clarifies second decade ASQ statements made in the Nez Perce national Forest Plan Record of Decision.

The Forest did not make any promise to increase the Forest ASQ in the second decade. The National Forest Management Act of 1976 requires the Forest Service to determine the Forest ASQ in each National Forest Plan based on the best available information. Information and analysis developed in the NEPA process for the current Forest plan indicates that an increase in the ASQ may be possible in the second decade while meeting other multiple use goals and standards.

The Forest Service is undertaking a monitoring program over the next ten years to verify or identify changes in that information and analysis. Whether or not the Regional Forester makes a decision to implement any increase in the ASQ in the second decade will depend on further analysis or knowledge gained through monitoring, changed conditions, new issues, etc. No change will be made in the ASQ without following processes prescribed by the National Forest Management Act and the National Environmental Policy Act.

**End of Amendment \*\*\***